

Occupational Therapy Committee

Laws and Regulations

A compilation of the Indiana Code and Indiana Administrative Code

2011 Edition



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NOTICE: This compilation incorporates the most recent revisions of statutes and administrative rules governing occupational therapists and occupational therapy assistants, as of October, 2011. Note that this compilation is not an official version of the Indiana Code or the Indiana Administrative Code. It is distributed as a general guide for Indiana's occupational therapists and occupational therapy assistants. It is not intended to be offered as legal advice, and it may contain typographical errors. The Occupational Therapy Committee and the staff of the Indiana Professional Licensing Agency are prohibited from providing legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, please contact your nearest public library or visit the website of the Indiana General Assembly at www.in.gov/legislative.

OCCUPATIONAL THERAPY COMMITTEE

October 2011 Edition

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INDIANA ADMINISTRATIVE CODE

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INDIANA CODE § 25-23.5

ARTICLE 23.5. OCCUPATIONAL THERAPISTS

INDIANA CODE § 25-23.5-0.5

Chapter 0.5. Applicability

IC 25-23.5-0.5-1 Exempting practice of other occupations and professions

Sec. 1. This article does not apply to the practice of an occupation or a profession for which an individual is licensed, certified, or registered in Indiana by a state agency if the individual is practicing within the scope of the individual's license, certificate, or registration.

As added by P.L.197-2007, SEC.59.

IC 25-23.5-0.5-2 Licensing exemption

Sec. 2. The provisions of this article that require a license to engage in the practice of occupational therapy do not apply to the following:

- (1) The practice of occupational therapy by an individual who is practicing occupational therapy as part of a supervised course of study in an educational program approved by the board.
- (2) The practice of occupational therapy by an occupational therapy assistant who is:
 - (A) certified under this article; and
 - (B) acting under the supervision of an occupational therapist.
- (3) The practice of occupational therapy by an occupational therapy aide under the direct supervision of:
 - (A) an occupational therapist; or
 - (B) an occupational therapy assistant.

As added by P.L.197-2007, SEC.59.

IC 25-23.5-0.5-3 Occupational therapy assistant; requirements

Sec. 3. An occupational therapy assistant shall:

- (1) be license under this article; and
- (2) practice under the supervision of an occupational therapist who is licensed under this article.

As added by P.L.197-2007, SEC.59.

INDIANA CODE § 25-23.5-1

Chapter 1. Definitions

IC 25-23.5-1-1 Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-2 "Board"

Sec. 2. "Board" refers to the medical licensing board of Indiana.

As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-3 "Committee"

Sec. 3. "Committee" refers to the occupational therapy committee established under IC 25-23.5-2-1.

As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-3.5 "Examination"

Sec. 3.5. "Examination" refers to a nationally recognized test for occupational therapists that has been approved by the board under IC 25-23.5-5-4.5.

As added by P.L.197-2007, SEC.60.

IC 25-23.5-1-4 "Occupational therapist"

Sec. 4. "Occupational therapist" means a person who practices occupational therapy.

As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-5 "Practice of occupational therapy"

Sec. 5. "Practice of occupational therapy" means the functional assessment of learning and performance skills and the analysis, selection, and adaptation of exercises or equipment for a person whose abilities to perform the requirements of daily living are threatened or impaired by physical injury or disease, mental illness, a developmental deficit, the aging process, or a learning disability. The term consists primarily of the following functions:

- (1) Planning and directing exercises and programs to improve sensory-integration and motor functioning at a level of performance neurologically appropriate for a person's stage of development.
- (2) Analyzing, selecting, and adapting functional exercises to achieve and maintain a person's optimal functioning in daily living tasks and to prevent further disability.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.61.

IC 25-23.5-1-5.5 "Occupational therapy aide"

Sec. 5.5. (a) "Occupational therapy aide" means a person who:

- (1) assists in the delivery of occupational therapy according to a treatment plan established by an occupational therapist; and
- (2) works under the direct supervision of an:
 - (A) occupational therapist; or
 - (B) occupational therapy assistant.

(b) The term does not include a person who does any of the following:

- (1) Performs assessments or reassessments.
- (2) Establishes treatment plans.
- (3) Initiates treatment modifications.

As added by P.L.177-1997, SEC.3.

IC 25-23.5-1-6 "Occupational therapy assistant"

Sec. 6. "Occupational therapy assistant" means a person who provides occupational therapy services under the supervision of an occupational therapist.

As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-7 "Person"

Sec. 7. "Person" means an individual.

As added by P.L.238-1989, SEC.1.

INDIANA CODE § 25-23.5-2**Chapter 2. Occupational Therapy Committee****IC 25-23.5-2-1 Establishment of committee**

Sec. 1. The occupational therapy committee is established.

As added by P.L.238-1989, SEC.1.

IC 25-23.5-2-2 Membership of committee; qualifications

Sec. 2. The committee consists of five (5) members appointed by the governor for terms of three (3) years. The committee must include the following:

- (1) At least two (2) occupational therapists who:
 - (A) are residents of Indiana;
 - (B) have at least three (3) years experience as occupational therapists; and
 - (C) are licensed under this article.
- (2) At least one (1) physician licensed under IC 25-22.5 who is familiar with the practice of occupational therapy.
- (3) At least one (1) person who:
 - (A) is a resident of Indiana; and
 - (B) is not associated with occupational therapy in any way other than as a consumer.

As added by P.L.238-1989, SEC.1. Amended by P.L.48-1991, SEC.41; P.L.197-2007, SEC.62.

IC 25-23.5-2-3 Occupational therapist member; requirement of ongoing practice

Sec. 3. An occupational therapist appointed to the committee must continue to practice occupational therapy while serving as a member of the committee.

As added by P.L.238-1989, SEC.1.

IC 25-23.5-2-4 Removal of members

Sec. 4. A member of the committee may be removed by the board without cause.

As added by P.L.238-1989, SEC.1.

IC 25-23.5-2-5 Duties of committee

Sec. 5. The committee shall:

- (1) consider the qualifications of persons who apply for licenses under this article;
- (2) provide for examinations required under this article;
- (3) license qualified persons;
- (4) propose rules to the board concerning the:
 - (A) competent practice of occupational therapy;
 - (B) continuing competency requirement for the renewal of a license for an occupational therapist and occupational therapy assistant; and
 - (C) administration of this article; and
- (5) recommend to the board the amounts of fees required under this article.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.63; P.L.197-2011, SEC.92.

IC 25-23.5-2-6 Adoption of standards; fees

Sec. 6. (a) After considering the committee's proposed rules, the board shall adopt rules under IC 4-22-2 establishing standards for:

- (1) the competent practice of occupational therapy;
- (2) the renewal of licenses issued under this article; and
- (3) standards for the administration of this article.

(b) After considering the committee's recommendations for fees, the board shall establish fees under IC 25-1-8-2.
As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.64; P.L.197-2011, SEC.93.

IC 25-23.5-2-7 Preparation, conduct, and scoring of examinations; use of testing company services

Sec. 7. The committee may utilize the services of a testing company to prepare, conduct, and score examinations.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-2-8 Per diem, travel, and other expenses

Sec. 8. Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the committee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.
As added by P.L.238-1989, SEC.1. Amended by P.L.3-2008, SEC.187.

INDIANA CODE § 25-23.5-3

Chapter 3. Unlawful Practices; Penalty

IC 25-23.5-3-1 Unlawful practices

Sec. 1. A person may not:

- (1) practice as an occupational therapist;
- (2) practice as an occupational therapy assistant;
- (3) use the title "occupational therapist";
- (4) use the title "occupational therapy assistant"; or
- (5) engage in the practice of occupational therapy;

unless the person is licensed under this article.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.65.

IC 25-23.5-3-1.5 Referral requirements; exceptions

Sec. 1.5. (a) Except as provided in subsection (b), an occupational therapist may not provide occupational therapy services to a person until the person has been referred to the occupational therapist by one of the following:

- (1) a physician licensed under IC 25-22.5.
- (2) a podiatrist licensed under IC 25-29.
- (3) an advanced practice nurse licensed under IC 25-23.
- (4) a psychologist licensed under IC 25-33.
- (5) a chiropractor licensed under IC 25-10.
- (6) an optometrist licensed under IC 25-24.

(b) An occupational therapist may provide the following services without a referral from a physician licensed under IC 25-22.5, a podiatrist licensed under IC 25-29, an advanced practice nurse licensed under IC 25-23, a psychologist licensed under IC 25-33, a chiropractor licensed under IC 25-10, or an optometrist licensed under IC 25-24:

- (1) Ergonomic or home assessment.
- (2) Injury or illness prevention education and wellness services.
- (3) Occupational therapy activities provided in an educational setting.
- (4) Occupational therapy activities that the board determines, after reviewing the recommendations of the committee, are appropriate to be conducted in a community based environment.

As added by P.L.197-2007, SEC.66. Amended by P.L.134-2005, SEC.35.

IC 25-23.5-3-2 Violations; misdemeanor

Sec. 2. A person who knowingly or intentionally violates this chapter commits a Class B misdemeanor.
As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.67.

INDIANA CODE § 25-23.5-4

Chapter 4. Reserved

INDIANA CODE § 25-23.5-5

Chapter 5. Licensure; Examinations

IC 25-23.5-5-1 Application; contents

Sec. 1. A person who applies for a license as an occupational therapist or an occupational therapy assistant must present satisfactory evidence to the committee that the person:

- (1) does not have a conviction for a crime that has a direct bearing on the person's ability to practice competently;
- (2) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the person was not able to practice as an occupational therapist or occupational therapy assistant without endangering the public;

- (3) has graduated from a school or program of occupational therapy or a program for occupational therapy assistants approved by the board; and
- (4) has passed an occupational therapist or occupational therapy assistant licensing examination approved by the board under section 4.5 of this chapter.

As added by P.L.238-1989, SEC.1. Amended by P.L.33-1993, SEC.33; P.L.197-2007, SEC.68; P.L.197-2011, SEC.95.

IC 25-23.5-5-2 Application; supervised fieldwork experience

Sec. 2. (a) The board may require a person who applies for a license as an occupational therapist to have successfully completed supervised fieldwork experience arranged and approved by the school or program from which the person graduated.

(b) The board may require a person who applies for a license as an occupational therapy assistant to have successfully completed supervised fieldwork experience arranged and approved by the program from which the person graduated.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.69; P.L.197-2011, SEC.96.

IC 25-23.5-5-3 Application fee

Sec. 3. A person applying for a license under this article must pay a fee.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.70; P.L.197-2011, SEC.97.

IC 25-23.5-5-4 Examination; minimum requirements

Sec. 4. A person who satisfies the requirements of sections 1 through 3 of this chapter may take the examination approved by the board under section 4.5 of this chapter.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.71.

IC 25-23.5-5-4.5 Board's duties; approve examination; establish passing score

Sec. 4.5. (a) The board shall do the following:

(1) Approve a nationally recognized examination for each type of license issued under this article.

(2) Establish the passing score necessary to obtain a license under this article.

(b) The board may use any part of an examination administered by:

(1) the National Board for Certification in Occupational Therapy, or its successor; or

(2) another nationally recognized body that provides examination services for occupational therapists, as determined by the committee;

as the examination required to obtain a license under this article.

As added by P.L.197-2007, SEC.72. Amended by P.L.197-2011, SEC.98.

IC 25-23.5-5-5 Examinations; times and places; subject areas

Sec. 5. (a) The committee shall provide for examinations to be given at least two (2) times a year at times and places established by the board.

(b) The committee shall provide for examinations that test a person's knowledge of the basic and clinical sciences as they relate to the practice of occupational therapy, occupational therapy theory and procedures, and other subjects the committee considers useful to test a person's fitness to practice as an occupational therapist or occupational therapy assistant.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.73.

IC 25-23.5-5-6 Issuing license

Sec. 6. The committee shall issue a license to a person who meets the requirements for a license under this article.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.74; P.L.197-2011, SEC.99.

IC 25-23.5-5-7 Refusal to issue a license; probationary license

Sec. 7. (a) The committee may refuse to issue a license or may issue a probationary license to a person if:

(1) the person has been disciplined by an administrative agency in another jurisdiction; and

(2) the committee determines that the violation for which the person was disciplined has a direct bearing on the person's ability to practice occupational therapy as an occupational therapist.

(b) The committee may refuse to issue a license or may issue a probationary license to a person if:

(1) the person has been disciplined by an administrative agency in another jurisdiction; and

(2) the committee determines that the violation for which the person was disciplined has a direct bearing on the person's ability to practice as an occupational therapy assistant.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.75; P.L.197-2011, SEC.100.

IC 25-23.5-5-8 Probationary license; conditions; removal of limitation

Sec. 8. (a) If the committee issues a probationary license under section 7 of this chapter, the committee may require the person who holds the probationary license to perform one (1) or more of the following conditions:

(1) Report regularly to the committee upon a matter that is the basis for the probation.

(2) Limit practice to areas prescribed by the committee.

(3) Continue or renew professional education.

(4) Engage in community restitution or service without compensation for a number of hours specified by the committee.

(b) The committee shall remove a limitation placed on a probationary license if after a hearing the committee finds that the deficiency that caused the limitation has been remedied.

As added by P.L.238-1989, SEC.1. Amended by P.L.32-2000, SEC.14; P.L.197-2007, SEC.76; P.L.197-2011, SEC.101.

IC 25-23.5-5-9 Expiration of license; renewal

Sec. 9. (a) A license issued by the committee expires on a date established by the Indiana professional licensing agency under IC 25-1-5-4 in the next even-numbered year following the year in which the license was issued.

(b) A person may renew a license by paying a renewal fee on or before the expiration date of the license.

(c) If a person fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid.

As added by P.L.238-1989, SEC.1. Amended by P.L.1-2006, SEC.457; P.L.197-2007, SEC.77; P.L.197-2011, SEC.102.

IC 25-23.5-5-10 Reinstatement of invalid license; renewal

Sec. 10. (a) The committee shall reinstate an invalid license up to three (3) years after the expiration date of the license if the person holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a license expired, the person holding the license may renew the license by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.

As added by P.L.238-1989, SEC.1. Amended by P.L.269-2001, SEC.19; P.L.197-2007, SEC.78; P.L.197-2011, SEC.103.

IC 25-23.5-5-11 Temporary permit; requirements; expiration; renewal

Sec. 11. (a) The committee may issue a temporary permit to a person to engage in the practice of occupational therapy as an occupational therapist or occupational therapy assistant if the person pays a fee and the person:

(1) has a valid license or certificate to practice from another state and the person has applied for a license or certificate from the committee;

(2) is practicing occupational therapy in a state that does not license or certify occupational therapists or occupational therapy assistants but is certified by a national occupational therapy association approved by the board and the person has applied for a license from the committee; or

(3) meets all the following requirements:

(A) Has graduated from an accredited program.

(B) Has completed the fieldwork experience requirement for a license under this article.

(C) Is eligible to take the entry level examination.

(b) A person with a temporary permit issued under subsection (a)(3) may engage in the practice of occupational therapy as an occupational therapist or an occupational therapy assistant only under the supervision of an occupational therapist licensed under this article.

(c) A temporary permit expires the earlier of:

(1) the date the person holding the permit is issued a permanent license under this article;

(2) the date the committee disapproves the person's license application; or

(3) one hundred eighty (180) days after the date the permit is issued.

(d) The committee may renew a temporary permit if the person holding the permit was scheduled to take the next examination and the person:

(1) did not take the examination; and

(2) shows good cause for not taking the examination.

(e) A permit renewed under subsection (d) expires on the date the person holding the permit receives the results from the next examination given after the permit was issued.

As added by P.L.238-1989, SEC.1. Amended by P.L.48-1991, SEC.42; P.L.197-2007, SEC.79; P.L.197-2011, SEC.104.

IC 25-23.5-5-12 Notice of retirement from practice

Sec. 12. (a) A person who is licensed under this article shall notify the committee in writing when the person retires from practice.

(b) Upon receipt of the notice, the committee shall:

(1) record the fact the person is retired; and

(2) release the person from further payment of renewal fees.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.80; P.L.197-2011, SEC.105.

IC 25-23.5-5-13 Surrender of license; reinstatement

Sec. 13. (a) If a person surrenders a license to the committee, the committee may reinstate the license upon written request by the person.

(b) If the committee reinstates a license, the committee may impose conditions on the license appropriate to the reinstatement.

(c) A person may not surrender a license without written approval by the committee if a disciplinary proceeding under this article is pending against the person.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.81; P.L.197-2011, SEC.106.

IC 25-23.5-5-14 Exemption from examination requirement

Sec. 14. A person who applies for a license under this article may be exempted by the committee from the examination requirement under section 6 of this chapter if the person:

(1) is licensed or certified to practice occupational therapy as an occupational therapist or occupational therapy assistant in another state; or

(2) is practicing occupational therapy in a state that does not license or certify occupational therapists or occupational therapy assistants and is certified by a national occupational therapy association approved by the board; and is otherwise qualified under sections 1 through 3 of this chapter and pays an additional fee.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.82; P.L.197-2011, SEC.107.

IC 25-23.5-5-15 Graduate of educational program in foreign country; license requirements

Sec. 15. The committee may issue a license to a person who has graduated as an occupational therapist or issue a license to a person who has graduated as an occupational therapy assistant from an educational program in a foreign country if the person:

(1) graduated from an educational program approved by the board;

(2) does not have a conviction for:

(A) an act that would constitute a ground for a disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the person's ability to practice competently;

(3) has not been the subject of a disciplinary action initiated by a licensing agency of another state or jurisdiction on the ground that the person was not

able to practice occupational therapy as an occupational therapist or occupational therapy assistant without endangering the public;

(4) passes the examination required under this chapter; and

(5) pays a fee.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.83; P.L.197-2011, SEC.108.

TITLE 844 MEDICAL LICENSING BOARD

ARTICLE 10. OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

Rule 1. Definitions

844 IAC 10-1-1 Applicability

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 1. The definitions in this rule apply throughout this article. (*Medical Licensing Board of Indiana; 844 IAC 10-1-1; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1064; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA*)

844 IAC 10-1-2 "Bureau" defined

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 2. "Bureau" refers to the health professions bureau established under IC 25-1-5-3.

(*Medical Licensing Board of Indiana; 844 IAC 10-1-2; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1064; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA*)

844 IAC 10-1-2.2 "Contact hour" defined

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5

Sec. 2.2. "Contact hour" means a unit of measure for a continuing competency activity. One (1) contact hour equals at least fifty (50) minutes in a learning activity.

(*Medical Licensing Board of Indiana; 844 IAC 10-1-2.2; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA*)

844 IAC 10-1-2.3 "Continuing competency" defined

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5

Sec. 2.3. "Continuing competency" means those activities under category I continuing competency courses and category II continuing competency activities as used in 844 IAC 10-7.

(*Medical Licensing Board of Indiana; 844 IAC 10-1-2.3; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA*)

844 IAC 10-1-2.5 "Objective tests" defined

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 2.5. "Objective tests" means, but is not limited to, the following:

- (1) Sensation.
- (2) Range of motion/goniometry.
- (3) Muscle strength.
- (4) Perceptual/visual motor skills.
- (5) Gross and fine motor coordination.
- (6) Vocational/avocational.
- (7) Activities of daily living/instrumental activities of daily living.
- (8) Cognition.
- (9) Other such tests.

(*Medical Licensing Board of Indiana; 844 IAC 10-1-2.5; filed Nov 14, 1991, 3:30 p.m.: 15 IR 581; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA*)

844 IAC 10-1-2.7 "Permanent record" defined

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 2.7. "Permanent record" means medical charts and/or educational files. (*Medical Licensing Board of Indiana; 844 IAC 10-1-2.7; filed Nov 14, 1991, 3:30 p.m.: 15 IR 581; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA*)

844 IAC 10-1-3 "School or program of occupational therapy or program of occupational therapy assistants approved by the board" defined

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5

Sec. 3. "School or program of occupational therapy or program of occupational therapy assistants approved by the board" means a school or program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) of the American Occupational Therapy Association, Inc. (AOTA) or predecessor organizations or is deemed by the board to be equivalent to the standards set by ACOTE.

(Medical Licensing Board of Indiana; 844 IAC 10-1-3; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1064; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

Rule 2. Fees

844 IAC 10-2-1 Fees (Repealed)

Sec. 1. (Repealed by Medical Licensing Board of Indiana; filed Feb 11, 2002, 4:40 p.m.: 25 IR 2247)

844 IAC 10-2-2 Fees

Authority: IC 25-1-8-2; IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-2; IC 25-23.5-5

Sec. 2. (a) The board shall charge and collect the following fees:

Application for license	\$100
License renewal	\$100 biennially
Temporary permit	\$50
Verification of license	\$10
Duplicate wall license	\$10

(b) Applicants required to take the national examination for licensure shall pay a fee directly to a professional examination service in the amount set by the examination service.

(Medical Licensing Board of Indiana; 844 IAC 10-2-2; filed Feb 11, 2002, 4:40 p.m.: 25 IR 2247; readopted filed Oct 10, 2008, 8:55 a.m.: 20081105-IR-844080342RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

Rule 3. Admission to Practice

844 IAC 10-3-1 Application for licensure; deadlines

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5

Sec. 1. All applicants for licensure must apply on such form and in such manner as the committee shall prescribe. Complete applications for licensure must be submitted at least thirty (30) days prior to the examination date.

(Medical Licensing Board of Indiana; 844 IAC 10-3-1; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1067; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-3-2 Licensure by examination

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5

Sec. 2. The committee shall issue a license by examination to an applicant who completes the following:

- (1) Applies in the form and manner prescribed by the committee.
- (2) Submits the fees specified in 844 IAC 10-2-1.
- (3) Successfully completes the examination required by the committee for licensure as an occupational therapist.
- (4) Successfully completes the examination required by the committee for licensure as an occupational therapy assistant.
- (5) Submits two (2) recent passport-quality photographs of the applicant, approximately two (2) inches by two (2) inches in size, signed by the applicant, shall be submitted with each application.
- (6) Submits an official transcript of grades from which the applicant obtained the applicant's degree that shows that all requirements for graduation have been met.
- (7) Submits a certified copy of a diploma to the committee of the applicant's graduation from a school or program of occupational therapy or a program of occupational therapy assistants approved by the board that meets the standards set by the board under 844 IAC 10-1-2.
- (8) Otherwise meets the requirements of IC 25-23.5-5.

(Medical Licensing Board of Indiana; 844 IAC 10-3-2; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1067; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-3-3 Licensure by endorsement

Authority: IC 25-23.5-2-6

Affected: IC 25-23.5-5

Sec. 3. The committee may issue a license or by endorsement to an applicant who completes the following:

- (1) Applies to the committee in the form and manner required by the board.
- (2) Submits the fees required under 844 IAC 10-2-1.
- (3) Submits a diploma to the committee of the applicant's graduation from a school or program of occupational therapy or a program of occupational therapy assistants approved by the board that meets the standards set by the board under 844 IAC 10-1-2.

- (4) Submits two (2) recent passport-quality photographs of the applicant, not smaller than two (2) inches by two (2) inches, each signed by the applicant, in black ink.
- (5) Submits an official transcript of grades from which the applicant obtained the applicant's degree that shows that all requirements for graduation have been met.
- (6) Submits verification of licensure status from the initial state in which the applicant has been or is currently licensed.
- (7) Submits verification from all states in which the applicant has been or is currently licensed, which statement shall include whether the applicant has ever been disciplined in any manner.
- (8) Otherwise meets the requirements of IC 25-23.5-5.

(Medical Licensing Board of Indiana; 844 IAC 10-3-3; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1067; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

Rule 4. Certification

844 IAC 10-4-1 Mandatory registration; renewal

Authority: IC 25-23.5-2-6

Affected: IC 25-23.5-5-9; IC 25-23.5-5-12

Sec. 1. Every occupational therapist and occupational therapy assistant holding a license issued by the committee shall renew his or her license biennially on or before December 31 of each even-numbered year.

(Medical Licensing Board of Indiana; 844 IAC 10-4-1; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1068; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 12, 2004, 10:12 a.m.: 28 IR 211; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-4-2 Address; change of name

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5

Sec. 2. (a) Each license shall inform the committee, in writing, of all changes of address or name within fifteen (15) days of the change.

(b) A license holder's failure to receive notification of renewal due to failure to notify the board of a change of address or name shall not constitute an error on the part of the committee, board, or Indiana professional licensing agency, nor shall it exonerate or otherwise excuse the license holder from renewing such license.

(Medical Licensing Board of Indiana; 844 IAC 10-4-2; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1068; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-4-3 Reinstatement of delinquent certificate (Repealed)

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5-10

Sec. 3. *(Repealed by Medical Licensing Board of Indiana; Aug 15, 2008, 1:44 p.m.: 20080910-IR-844070843FRA)*

Rule 5. Standards of Competent Practice of Occupational Therapy

844 IAC 10-5-1 Applicability

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 1. An occupational therapist in the conduct of his or her practice of occupational therapy shall abide by, and comply with, the standards of competent practice in this rule.

(Medical Licensing Board of Indiana; 844 IAC 10-5-1; filed Nov 14, 1991, 3:30 p.m.: 15 IR 581; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-5-2 Confidentiality

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 2. An occupational therapist shall maintain the confidentiality of all knowledge and information regarding a patient, including, but not limited to, the patient's diagnosis, treatment, and prognosis, and of all records relating thereto, about which the practitioner may learn or otherwise be informed during the course of, or as a result of, the patient-practitioner relationship. Information about a patient shall be disclosed by an occupational therapist when required by law or when authorized by the patient or those responsible for the patient's care.

(Medical Licensing Board of Indiana; 844 IAC 10-5-2; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-5-3 Professional practice

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 3. When the occupational therapist refers a patient to another professional or suggests purchase or rental of therapy or rehabilitative equipment, the occupational therapist shall allow the patient a choice of qualified professionals or equipment companies.

(Medical Licensing Board of Indiana; 844 IAC 10-5-3; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-5-4 Information to patient

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 4. An occupational therapist shall give a truthful, candid, and reasonably complete account of the patient's condition to the patient or to those responsible for the patient's care.

(Medical Licensing Board of Indiana; 844 IAC 10-5-4; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-5-5 Supervision of occupational therapy assistant

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 5. Under the supervision of an occupational therapist, an occupational therapy assistant may contribute to the screening and evaluation process. The occupational therapy assistant may also contribute to the following:

- (1) The development and implementation of the intervention plan.
- (2) The monitoring and documentation of progress.
- (3) The discontinuation or discharge from care or transitioning to another level of care.

The occupational therapy assistant may not independently develop the intervention plan or initiate treatment.

(Medical Licensing Board of Indiana; 844 IAC 10-5-5; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-5-6 Documentation

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 6. The occupational therapist shall countersign within seven (7) calendar days all documentation written by the occupational therapy assistant, which will become part of the patient's permanent record. *(Medical Licensing Board of Indiana; 844 IAC 10-5-6; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)*

844 IAC 10-5-7 Fees

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 7. Fees charged by an occupational therapist for his or her professional services shall be reasonable and shall reasonably compensate the practitioner only for services actually rendered.

(Medical Licensing Board of Indiana; 844 IAC 10-5-7; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-5-8 Fee division

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 8. An occupational therapist shall not divide a fee for professional services with another practitioner who is not a partner, employee, or shareholder in a professional corporation, unless:

- (1) the patient consents to the employment of the other practitioner after a full disclosure that a division of fees will be made; and
- (2) the division of fees is made in proportion to actual services performed and responsibility assumed by each practitioner.

(Medical Licensing Board of Indiana; 844 IAC 10-5-8; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-5-9 Advertising

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 9. (a) An occupational therapist shall not, on behalf of himself or herself, a partner, an associate, a shareholder in a professional corporation, or any other practitioner or specific health care provider affiliated with the practitioner, use, or participate in the use of, any form of public communication containing a false, fraudulent, misleading, deceptive, or unfair statement or claim.

(b) Subject to the requirements of subsection (a), and in order to facilitate the process of informed selection of a practitioner by the public, an occupational therapist may advertise services through the public media, provided that the advertisement is dignified and confines itself to the existence, scope, nature, and field of practice of occupational therapy.

(c) If the advertisement is communicated to the public by radio, cable, or television, it shall be prerecorded, approved for broadcast by the occupational therapist, and a recording and transcript of the actual transmission shall be retained by the occupational therapist for a period of five (5) years from the last date of broadcast.

(d) If an occupational therapist advertises a fee for a service, treatment, consultation, examination, or other procedure, the practitioner must render that service or procedure for no more than the fee advertised.

(e) Unless otherwise specified in the advertisement, if an occupational therapist publishes or communicates any fee information in a publication which has no fixed date for publication of a succeeding issue, the occupational therapist shall be bound by any representation made therein for thirty (30) days.

(Medical Licensing Board of Indiana; 844 IAC 10-5-9; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-5-10 Contingency fee prohibited**Authority:** IC 25-23.5-2-5; IC 25-23.5-2-6**Affected:** IC 25-1-5-3; IC 25-23.5

Sec. 10. An occupational therapist shall not base his or her fee upon the uncertain outcome of a contingency, whether such contingency be the outcome of litigation or any other occurrence or condition which may or may not develop, occur, or happen.

Medical Licensing Board of Indiana; 844 IAC 10-5-10; filed Nov 14, 1991, 3:30 p.m.: 15 IR 583; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-5-11 Liability to patients**Authority:** IC 25-23.5-2-5; IC 25-23.5-2-6**Affected:** IC 25-1-5-3; IC 25-23.5

Sec. 11. An occupational therapist shall not attempt to exonerate himself or herself from or limit his or her liability to a patient for his or her personal malpractice except that an occupational therapist may enter into agreements which contain informed, voluntary releases and/or waivers of liability in settlement of a claim made by a patient or by those responsible for a patient's care.

(Medical Licensing Board of Indiana; 844 IAC 10-5-11; filed Nov 14, 1991, 3:30 p.m.: 15 IR 583; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-5-12 Patient complaints**Authority:** IC 25-23.5-2-5; IC 25-23.5-2-6**Affected:** IC 25-1-5-3; IC 25-23.5

Sec. 12. An occupational therapist shall not attempt to preclude, prohibit, or otherwise prevent the filing of a complaint against him or her by a patient or other practitioner for the alleged violation of any law. *(Medical Licensing Board of Indiana; 844 IAC 10-5-12; filed Nov 14, 1991, 3:30 p.m.: 15 IR 583; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)*

844 IAC 10-5-13 Supervision of a holder of a temporary permit**Authority:** IC 25-23.5-2-5; IC 25-23.5-2-6**Affected:** IC 25-23.5-5-11

Sec. 13. The supervising occupational therapist shall be reasonably available and responsible at all times for the direction and action of the person supervised when services are performed by the holder of a temporary permit issued under IC 25-23.5-5-11(a)(3). Unless the supervising occupational therapist is on the premises to provide constant supervision, the holder of the temporary permit shall meet once each working day to review all patients' treatments. This meeting must include the actual presence of the occupational therapist or the designated occupational therapist. The patient's care shall always be the responsibility of the supervising occupational therapist. Reports written by the holder of a temporary permit issued under IC 25-23.5-5-11(a)(3) for inclusion in the patient's permanent record shall be countersigned by the supervising occupational therapist who may enter any remarks, revisions, or additions as the occupational therapist deems appropriate. The occupational therapist shall countersign within seven (7) calendar days all documentation written by the holder of the temporary permit issued under IC 25-23.5-5-11(a)(3). The supervising occupational therapist shall, within fourteen (14) days, notify the committee in writing when the supervising relationship with the holder of the temporary permit has changed or been terminated. The notification to the committee shall indicate the reason for the change or termination in supervision. It shall be the responsibility of the holder of the temporary permit to notify the committee in writing of the name and license number of a new supervisor.

(Medical Licensing Board of Indiana; 844 IAC 10-5-13; filed Apr 22, 1994, 5:00 p.m.: 17 IR 2076; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-5-14 Limit on number of temporary permit holders supervised**Authority:** IC 25-23.5-2-5; IC 25-23.5-2-6**Affected:** IC 25-23.5-5-11

Sec. 14. An occupational therapist may not supervise more than three (3) holders of temporary permits issued under IC 25-23.5-5-11(a)(3) at one (1) time. *(Medical Licensing Board of Indiana; 844 IAC 10-5-14; filed Apr 22, 1994, 5:00 p.m.: 17 IR 2076; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)*

844 IAC 10-5-15 Limit on number of temporary permit applications**Authority:** IC 25-23.5-2-5; IC 25-23.5-2-6**Affected:** IC 25-23.5-5-11

Sec. 15. Under IC 25-23.5-5-11, temporary permits of applicants who fail to appear for the scheduled examination will be invalidated. If the applicant shows good cause to the committee in writing for missing the scheduled examination, the committee may allow the applicant to submit a new application for a temporary permit. The applicant may make up to two (2) applications for a temporary permit.

(Medical Licensing Board of Indiana; 844 IAC 10-5-15; filed Apr 22, 1994, 5:00 p.m.: 17 IR 2076; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

Rule 6. Occupational Therapy Aides; Training and Supervision**844 IAC 10-6-1 Training programs****Authority:** IC 25-23.5-2-6**Affected:** IC 25-23.5-2

Sec. 1. An occupational therapy aide is an unlicensed or uncertified person who assists in the practice of occupational therapy. Therefore, before an occupational therapy aide may be involved in the provision of direct services to patients, the occupational therapy aide shall have received site-specific training that is appropriate and consistent with the role and function of the aide in the facility to which he or she is assigned. Well-defined and documented

training programs are required for the occupational therapy aide to ensure the delivery of quality services. (Medical Licensing Board of Indiana; 844 IAC 10-6-1; filed Sep 1, 2000, 2:04 p.m.: 24 IR 23; readopted filed Nov 16, 2006, 10:52 a.m.: 20061129-IR-844060240RFA)

844 IAC 10-6-2 Indirect and direct patient services

Authority: IC 25-23.5-2-6

Affected: IC 25-23.5-2

Sec. 2. An occupational therapy aide may contribute to indirect patient services through the provision of the following:

- (1) Routine department maintenance.
- (2) Transportation of patients.
- (3) Preparation and setting up of treatment equipment.
- (4) Performing clerical activities.

An aide, with direct on-site supervision of a licensed occupational therapist or, when appropriate, a licensed occupational therapy assistant, may provide direct patient service.

(Medical Licensing Board of Indiana; 844 IAC 10-6-2; filed Sep 1, 2000, 2:04 p.m.: 24 IR 23; readopted filed Nov 16, 2006, 10:52 a.m.: 20061129-IR-844060240RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-6-3 Direct supervision

Authority: IC 25-23.5-2-6

Affected: IC 25-23.5-2

Sec. 3. Direct supervision means that the supervising occupational therapist or occupational therapy assistant shall:

- (1) be on the premises, immediately available, in person, and responsible at all times whenever an occupational therapy aide is performing direct client services; and
- (2) examine each client prior to the treatment session of the purpose of determining whether a portion of the treatment may be delegated to the occupational therapy aide.

(Medical Licensing Board of Indiana; 844 IAC 10-6-3; filed Sep 1, 2000, 2:04 p.m.: 24 IR 24; readopted filed Nov 16, 2006, 10:52 a.m.: 20061129-IR-844060240RFA)

Rule 7. Continuing Competency Requirements

844 IAC 10-7-1 Continuing competency requirements

Authority: IC 25-23.5-2-5

Affected: IC 25-1-4; IC 25-23.5-2

Sec. 1. (a) Eighteen (18) hours of continuing competency are required for license renewal.

(b) Programs that have not been approved under this article will not be accepted as credit for license renewal.

(c) Continuing competency hours:

- (1) must be obtained within the biennial renewal period; and
- (2) may not be carried over from one (1) licensure period to another.

(d) If a license is valid for less than twelve (12) months, no continuing competency is required for renewal. If the license is valid for twelve (12) to twenty-four (24) months, nine (9) hours of continuing competency is required for renewal.

(e) Audits for compliance with continuing competency requirements and actions regarding noncompliance will be conducted as provided for in IC 25-1-4.

(Medical Licensing Board of Indiana; 844 IAC 10-7-1; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-7-2 Responsibilities of licensees

Authority: IC 25-23.5-2-5

Affected: IC 25-23.5-2

Sec. 2. A license holder must do the following:

- (1) Certify completion of continuing competency required by this rule at the time of license renewal.
- (2) Retain verification of completion of continuing competency required by this rule for three (3) years after the last renewal date.
- (3) Present verification of completion of continuing competency required by this rule at the request of the committee.

(Medical Licensing Board of Indiana; 844 IAC 10-7-2; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-7-3 License period; number of hours required

Authority: IC 25-1-4-8; IC 25-23.5-2-5

Affected: IC 25-23.5-2

Sec. 3. (a) During each two (2) year license period, an occupational therapist or occupational therapy assistant must complete at least eighteen (18) hours of continuing competency of which at least nine (9) hours must be in category I courses.

(b) An occupational therapist or occupational therapy assistant may not earn more than nine (9) category II credit hours towards the requirements under this section.

(c) All eighteen (18) hours of the continuing competency requirements may be obtained through distance learning methods.

(Medical Licensing Board of Indiana; 844 IAC 10-7-3; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-7-4 "Category I continuing competency courses" and "category II continuing competency activities" defined

Authority: IC 25-23.5-2-5

Affected: IC 25-23.5-2

Sec. 4. (a) As used in this rule, "category I continuing competency courses" includes the following and must be at least one (1) contact hour in length:

- (1) Formally organized courses.

- (2) Workshops.
 - (3) Seminars.
 - (4) Symposia.
 - (5) Home study programs, including approved online or web-based, audio, and video instructional programs.
 - (6) Undergraduate or graduate courses from an accredited institution related to the management, practice, and education of occupational therapy.
 - (b) As used in this rule, "category II continuing competency activities" includes the following:
 - (1) Publications of books, articles, or films related to practice, management, or education of occupational therapy. A maximum of five (5) contact hours will be awarded under this subdivision.
 - (2) Preparation for teaching a course in occupational therapy in an accredited program. A maximum of six (6) contact hours will be awarded under this subdivision.
 - (3) Supervision of fieldwork for Level I and Level II students. One (1) contact hour will be awarded for every thirty-two (32) hours of supervision with a maximum of six (6) contact hours.
 - (4) In-house or in-service seminars specifically designed for training or teaching.
 - (5) Actively participating with professional organizations as an officer or committee chairperson.
 - (6) Supervising occupational therapy students when doing their observational hours as a pre-OT student applicant.
 - (7) Research activities other than publications and presentations.
- (Medical Licensing Board of Indiana; 844 IAC 10-7-4; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)*

844 IAC 10-7-5 Approved organizations; standards for approval

Authority: IC 25-1-4; IC 25-23.5-2-5

Affected: IC 25-1-4-0.2; IC 25-23.5-2

Sec. 5. (a) In addition to those approved organizations approved under IC 25-1-4-0.2, the following organizations are approved organizations for the purpose of sponsoring continuing competency courses without making further application to the committee:

- (1) American Occupational Therapy Association or AOTA approved providers.
- (2) National Board for Certification in Occupational Therapy.
- (3) Indiana Occupational Therapy Association or IOTA approved providers.
- (b) Continuing education courses offered by accredited colleges are acceptable for purposes of this rule if the course content is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practice of occupational therapy. The following conversion will be used for this type of credit:
 - (1) One (1) semester hour equals fifteen (15) contact hours.
 - (2) One (1) quarter hour equals ten (10) contact hours.
- (c) The committee will approve continuing competency activities if it determines that it:
 - (1) contributes directly to professional competency;
 - (2) relates directly to the practice or management of education of occupational therapy practitioners; and
 - (3) is conducted by individuals who have demonstrated expertise in the subject matter of the program.
 - (A) Prior approval by the committee is not required.
 - (B) Proof of content shall be demonstrated by the original workshop or conference brochure, agenda, notes, or materials given to participants during the presentations.

(Medical Licensing Board of Indiana; 844 IAC 10-7-5; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-7-6 Application for approval as continuing education sponsor

Authority: IC 25-23.5-2-5

Affected: IC 25-23.5-2

Sec. 6. (a) Individuals or organizations applying for approval as sponsors of category I continuing competency courses must submit a written application for approval at least thirty (30) days prior to the date of the individual's or organization's presentation of a program for continuing competency credit. Programs presented:

- (1) prior to the receipt of approval; or
 - (2) after the withdrawal or termination of approval of the individual or organization;
- by the committee shall not count toward continuing competency requirements.
- (b) The written request for approval shall include the following:
 - (1) The name of the sponsoring individual or organization.
 - (2) The address and telephone number of the individual or organization.
 - (3) The following for organizations:
 - (A) A description of the specific purposes for which the organization was formed.
 - (B) For each individual in the organization with direct responsibility for the training activities of the organization, a vita or resume listing all educational and relevant work experience.
 - (4) For individuals, a vita or resume listing all educational and relevant work experience.
 - (5) A list of each educational program presented or sponsored by the individual or organization for one (1) year prior to the date of the request for approval.
 - (6) For each program listed under subdivision (5), the following:
 - (A) The date and location of the program.
 - (B) A brief summary of the content of the program.
 - (C) The name and the academic and professional background of the lecturer.
 - (D) The number of clock hours of continuing education credit granted by a state licensing or similar regulatory authority for the program.
 - (7) A description of the course evaluation technique utilized for all educational programs.
 - (8) A sample of the certificate awarded for the completion of all educational programs, if available.
 - (9) A list of all programs anticipated to be presented or sponsored during the requested approval period, if available.
 - (10) A description of the procedure to be utilized for monitoring and documenting attendance.

(c) The individual or organization is responsible for monitoring attendance in such a way that verification of attendance throughout the program can be reliably assured.

(d) Approval of the individual or organization will be valid for a maximum period of two (2) years. The individual or organization is responsible for applying to the committee for approval.

(Medical Licensing Board of Indiana; 844 IAC 10-7-6; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-7-7 Renewal; sworn statement

Authority: IC 25-23.5-2-5

Affected: IC 25-23.5-2

Sec. 7. An application for renewal of a license or certificate must contain a sworn statement by the licensee attesting that the continuing competency requirements as required by this section have been fulfilled. *(Medical Licensing Board of Indiana; 844 IAC 10-7-7; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)*
